

ORDINANCE NO. 11-29

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 46%, WHERE A MAXIMUM OF 30% IS ALLOWED; AND ALLOW A REAR SETBACK OF 10 FEET, WHERE 25 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-547, AND § 98-2056(b)(2). **PROPERTY LOCATED AT 1315 WEST 39 PLACE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 27, 2011 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a lot coverage of 46%, where a maximum of 30% is allowed, and allow a rear setback of 10 feet, where 25 feet are required, contra to Hialeah Code §§ 98-547, and 98-2056(b)(2), which provide in pertinent part: “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building...” and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.”, respectively. Property located at 1315 West 39 Place, Hialeah,

Miami-Dade County, Florida, zoned R-2 (One- and Two- Family Residential District), and legally described as follows:

UNIT 2, OF BILTMORE GARDENS CONDO NO. 3,
ACCORDING TO THE DECLARATION OF
CONDOMINIUM THEREOF, AS RECORDED IN
OFFICIAL RECORDS BOOK 11037, AT PAGE 1145, OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 31st day of May, 2011.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

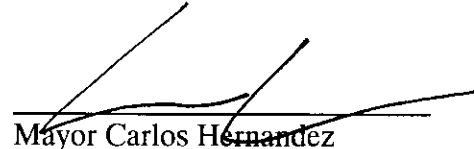


Isis Garcia-Martinez
Council President

Attest:

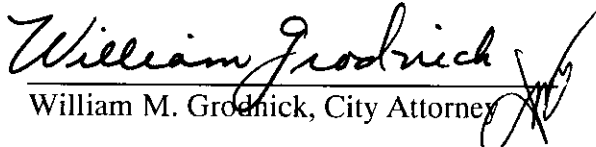
Approved on this 3 day of June, 2011.



David Concepcion, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney